

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Criminal No. 4:15-cr-0564
	§	
JOSEPH ALBERTO LOPEZ, ET. AL.	§	

**GOVERNMENT’S STATUS REPORT REGARDING
CAPITAL CASE COMMITTEE CONFERENCE
FOR DEFENDANT RAMON DE LA CERDA**

Based on the Court’s request, the United States of America (“Government”) files this status report regarding the Capital Case Committee (“Capital Case Committee”) conference for defendant Ramon De La Cerda:

I.

The third superseding indictment charges defendants Jose Rolando Gonzalez (“Gonzalez”), Salomon Robles (“Robles”), Ramon De La Cerda (“De La Cerda”), Juan Alberto Mendez (“Mendez”) and Adrian Garza (“Garza”) with offenses that carry the potential punishment of death.

II.

When the Government charges a defendant with offenses that carry the potential punishment of death, the Government, through its United States Attorney, is required to submit to the U.S. Attorney General, through the Capital Case Committee, its request for approval to seek either a life or death sentence.

After review of the Government's request, the Capital Case Committee will give the U.S. Attorney General its own recommendation.

Generally, the Capital Case Committee makes its decision based on the documents provided by the Government. However, in certain cases the Capital Case Committee will give counsel for a defendant the opportunity to go before the committee and present any mitigation evidence that it wants it to consider.

III.

On April 9, 2018, the Government submitted its request to the Capital Case Committee to seek a particular punishment against defendants Gonzalez, Robles, De La Cerda, Mendez and Garza.

On May 4, 2018, the Capital Case Committee informed the Government that it was requesting a conference to give De La Cerda's counsel the opportunity to present mitigation evidence.¹

IV.

Since May 17, 2018 when the Court appointed attorney Danalynn Recer to represent De La Cerda, she has asked the Government to hold off requesting the conference with Capital Case Committee to allow her to adequately review the discovery and to obtain potential mitigation evidence.

¹ After considering all of the evidence, the Capital Case Committee will give the U.S. Attorney General its recommendation. The Capital Case Committee gives the U.S. Attorney General its recommendation as to all defendants at one time. Therefore, the Capital Case Committee's recommendation as to the defendants Gonzalez, Robles, Mendez and Garza will not reach the U.S. Attorney General until after the conference with De La Cerda's counsel.

V.

In late September 2019, the Government consulted with De La Cerda's counsel who agreed that the Government request the conference with the Capital Case Committee sometime in January 2020. On October 3, 2019, the Government informed De La Cerda's counsel that the Capital Case Committee scheduled the conference for January 27, 2020.

VI.

On December 6, 2019, attorneys Greg Gladden and William Southern asked the Government to request that the Capital Case Committee reschedule the conference. Attorneys Gladden and Southern told the Government that they were not prepared to adequately present mitigation evidence and requested that the conference be continued for at least three months.

VII.

On December 20, 2019, attorney Danalynn Recer also asked the Government to request that the Capital Case Committee reschedule conference. Attorney Recer told the Government that she was not prepared to adequately present mitigation evidence and requested that the hearing be continued for several months.

VIII.

On December 20, 2019, the Government requested that the Capital Case Committee reschedule the conference previously set for January 27, 2020. In early January 2020, the Capital Case Committee reset the conference to April 27, 2020. However, on January 17, 2020 the Capital Case Committee rescheduled the conference to May 4, 2020 due to scheduling conflict of some of the committee members.

Respectfully submitted,

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s/ Anibal J. Alaniz

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CERTIFICATE OF SERVICE

On March 29, 2020, the Government filed this Status Report and served counsel of record.

s/ Anibal J. Alaniz

Anibal J. Alaniz

Assistant United States Attorney

s/ Casey N. MacDonald

Casey N. MacDonald

Assistant United States Attorney